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Follow-up to and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by the Asian-Eurasian Human Rights Forum, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights of Women

Honorable Chairperson,

About 250 internally displaced women from Indian administered part of the State of Jammu and Kashmir, who had sought safety in the capital city of Delhi in the aftermath of their exodus owing to terrorist attacks on their religious minority community in their places of origin in 1990, were provided with temporary employment as trained graduate and post-graduate teachers in the Education Department of Delhi Administration.

We appreciate Government of India's humanistic approach to their plight by providing them succor at a critical time in their lives.

It is the 24th year of their exile. All these years they remained temporarily employed. Unfortunately these internally displaced persons have been discriminated against in a number of ways in terms of service conditions. . Their service in Delhi administration has not been regularized; they are made to work on temporary basis almost like daily wagers which deprives them of various benefits like pension, provident fund, health care, etc. while these and many more benefits are admissible to teachers of regular category in the same department. They are not even granted maternity leave while their colleagues in the same institutions enjoy that privilege.

These teachers are paid less than half of what their equals with same qualification and equal work load are paid by way of monthly salary by the Delhi administration.

When they retire from service after having put long tenure of more than 25 years or more, they receive no pension, no gratuity, no provident fund, and no leave salary while their colleagues with same qualification and quantum of work receive all these benefits that make their post-retirement life comfortable.

When they go home after rendering 25 or 30 years of service, they go empty handed. It is worst type of exploitation as they have nothing to fall back upon.

Meting out discriminatory treatment to them contravenes the clauses of the Convention on Elimination of All Forms of Discrimination against Women incorporated in Beijing Declaration announced on the occasion of the 4th World Conference on Women.

The convention states: "Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of United Nations. All the major international human rights include sex as one of the grounds upon which states may not discriminate."

Item 225 of the Convention on the Elimination of All Forms of Discrimination against Women stipulates: "Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, desirability or socio-economic class or because they are indigenous people, migrants, displaced women or refugees."

Again item 226 says: "The factors that cause the flight of refugee women, other displaced women in need of international protection and internally displaced women may be different from those affecting men. These women continue to be vulnerable to abuses of their human rights during and after their flight."

Honorable Chairperson, the condition of some of these internally displaced persons who worked for twenty-five years or more as temporary teachers is miserable as they have nothing to fall back upon. During the prime of their youth, they served the nation in their humble way making all possible sacrifices. But at the sunset of their lives, they are left empty handed. It is unjust.

The worst part of the story is that their discrimination took place when the Chief Minister of the Indian State of Delhi was a woman namely Mrs. Sheila Dixit, who has been exceptionally harsh towards them.

We are familiar with their plight. Through your good offices, we entreat the Government of India that as a signatory to the Convention on Elimination of All Forms of Discrimination against Women, it should consider the case of 250 trained graduate and post graduate teachers, who are victims of ethnic cleansing in Kashmir, be brought at par with regularized teachers in respect of pension and related service benefits. They have to fend for their families and they expect civil society to be generous and sympathetic to their plight.

Our organization has closely interacted with these helpless persons and understood their problem. We, therefore, request that the Government of India is prompted to consider their case in the light of following suggestions:

All such teachers as fall under the category of Kashmir migrant teachers are regularized by the Education Department of Delhi administration. They are entitled to pension, general provident fund/cumulative provident fund/ healthcare assistance, house rent allowances, dearness allowances and other perks. Those who have attained superannuation as "migrant teachers" are entitled to pension benefits at par with all other categories of teachers in Delhi administration. Arrears of emolument on account of difference of authorized and actual payments and pension with retrospective effect (from the date of superannuation) are sanctioned in their favour.

We regret to say that these 250 odd teachers have been discriminated against on account of gender and their displacement. Their human rights have been blatantly violated on these two counts.

Moreover their helplessness caused by government's failure to provide them protection of life and honour in their original habitats as stipulated in the Indian Constitution, has been exploited by the Delhi administration by not regularizing them, paying them just one third of the authorized salary as against regular teachers, denying them promotion, pension and other service